IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 133 OF 2007.

M/s Goa Fruits Specialities Ltd. 117-119,
GDDIDC Industrial Estate, Kundaim, Goa,
a Company registered under the Indian
Companies Act, 1956, having their
Registered Office at G 11, Nizmar
Centre, Dr. Atmaram Borkar Road,
Panaji, Goa, through its
Managing Director,
Shri J.M. Chawla, major, married,
presently residing at W2C 55,
Wellington Estate,
DLF Phase, V. Gurgaon. .... Petitioner.

Versus

1. The Union of India,
   through its Secretary of Industry,
   Ministry of Industry,
   Department of Industrial Development,
   Secretariat for Industrial Approvals,
   Export Oriented Unit (EOU)
   section, Government of India,
   New Delhi, with his office at
   Central Secretariat, Udyog Bhawan,
   New Delhi, 110 001.

2. Ministry of Commerce and Industry,
   Government of India,
   Through the Secretary of
   Commerce and Industry, with
   his office at Central Secretariat,
   Udyog Bhawan, New Delhi 110 001.

3. The Development Commissioner,
   Government of India,
   Santa Cruz Electronics Export Processing
   Zone (SEEPZ), Ministry of Commerce,
   and Industry, Andheri (East),
   Mumbai 400 096.

4. The Assistant Development Commissioner,
   Santa Cruz Electronics Export Processing
   Zone (SEEPZ), Government of India,
   Ministry of Commerce and Industry,
   Andheri (East), Mumbai 400 096.

5. The Board of Approval,
   Santa Cruz Electronics Export
   Processing Zone (SEEPZ),
   Government of India,
   through the Secretary,
   Ministry of Commerce,
   Andheri (East), Mumbai 400 096.

6. The Commissioner of Customs
   & Central Excise,
   Division Goa, with his office at
   ICE House, Plot No. 6,
   Patto, Panaji, Goa.

Mr. V.B. Nadkarni, Senior Advocate with Mr. V. P. Thali, Advocate for the Petitioner.

Mr. C.A. Ferreira, Assistant Solicitor General for the Respondents.

CORAM: S. A. BOBDE &
N.A. BRITTO, JJ.

DATE: 28th MARCH, 2007.

ORAL JUDGMENT: (PER S.A. BOBDE, J.)

Rule. Rule returnable forthwith. Heard by consent.

The following Order is passed by consent :-

2. Upon the Petitioner depositing a sum of Rs.15,00,000/- before the Commissioner of Customs and Central Excise, Goa within a period of four weeks from today, the Appeal No. C/39/05-B before the Customs, Excise & Service Tax Appellate Tribunal, New Delhi (CESTAT) shall be admitted and considered for hearing on merits in accordance with law.

3. As regards the challenge to the communication dated 6th July, 2005, by which the decision of the Board of Approvals to reject the proposal for extension of the validity period of Letter of Permission dated 10.10.1994, has been communicated, we do not propose to interfere with the same. However, the authorities shall be entitled to review their decision in that regard if an appropriate application is moved by the petitioner.

Rule disposed of.

S. A. BOBDE, J.

sl.